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Attorneys for Defendant
ANDREW NATHAN HERNANDEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

ANDREW NATHAN HERNANDEZ,
Defendant.

Case No. 1:21-cr-00011-JLT-SKO

**STIPULATION TO CONTINUE BRIEFING
SCHEDULE AND HEARING DATE;
ORDER**

Date: June 24, 2022
Time: 9:00 a.m.
Court: Hon. Jennifer L. Thurston

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel, Assistant Federal Defender, Jaya C. Gupta, counsel for defendant Andrew Nathan Hernandez, and Assistant United States Attorney Karen A. Escobar, counsel for the government, that the briefing schedule set in this case be continued as set forth below.

At the last status conference, the Honorable Sheila K. Oberto set the current pretrial motions schedule at the government's request. *See* ECF No. 29. Instead of a motions schedule, defense counsel suggested setting another status conference and at that further status conference, could inform the Court as to whether a pretrial motions schedule was necessary. *See* ECF No. 28. Defense counsel informed the government and the Court that she was in the middle of trial, had recently completed a different, multi-week trial, and had further investigation to conduct in the

current matter. *Id.* Nonetheless, the Court set the following briefing schedule: (ECF No. 29):

- Defense pretrial motions to be filed on or before May 13, 2022;
- Government oppositions to be filed on or before June 3, 2022;
- Any defense replies to be filed on or before June 10, 2022;
- Motion hearing to be set on June 24, 2022, at 9:00 a.m. before the Honorable Jennifer L. Thurston, United States District Judge

Defense counsel is still currently conducting further investigation relevant to the pretrial motions, and needs additional time to complete these tasks. In light of this, the parties ask that the current dates be re-set as follows below:

- Defense pretrial motions to be filed on or before July 15, 2022;
- Government oppositions to be filed on or before August 5, 2022;
- Any defense replies to be filed on or before August 12, 2022;
- Motion hearing to be set on August 26, 2022, at 9:00 a.m. before the Honorable Jennifer L. Thurston, United States District Judge.

Time was previously excluded until June 24, 2022. ECF No. 29 The parties agree that the time period until disposition of the motions on August 26, 2022, shall be excluded under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of pretrial motions, through the conclusion of any hearing on the motion, and the prompt disposition of the motion. *See* 18 U.S.C. § 3161(h)(1)(D).

Dated: May 12, 2022

HEATHER E. WILLIAMS
Federal Defender

/s/ Jaya C. Gupta
JAYA C. GUPTA
Attorneys for Defendant
ANDREW NATHAN HERNANDEZ

Dated: May 12, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ Karen A. Escobar
KAREN A. ESCOBAR
Assistant United States Attorney

ORDER

IT IS HEREBY ORDERED THAT the briefing schedule on the defense pretrial motions is hereby re-set in accordance with the above. The defense pretrial motions are to be filed on or before July 15, 2022. Government oppositions to be filed on or before August 5, 2022. Any defense replies to be filed on or before August 12, 2022. Hearing on the pretrial motions to be set for August 26, 2022, at 9:00 a.m. before the Honorable Jennifer L Thurston, United States District Judge. Time shall be excluded until August 26, 2022, under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of pretrial motions.

IT IS SO ORDERED.

Dated: **May 12, 2022**


UNITED STATES DISTRICT JUDGE